



U.S. Department of Justice

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April 2, 2009

Via Electronic and Regular Mail

Hon. Peter G. Sheridan, U.S.D.J.
United States District Court
Clark S. Fisher Building and U.S. Courthouse
402 East State Street, Second Floor
Trenton, New Jersey 07102

Re: U.S. v. Dalnave Navigation Inc. et al.
Crim. No. 09-130

Dear Judge Sheridan:

The Government has learned that counsel for the defendants in the above-referenced matter intends to file a motion to dismiss the Indictment based on allegations that the Government's court-ordered Bill of Particulars is insufficient.

Although the Government disputes counsel's allegation and asserts that its Bill of Particulars was more than sufficient and in compliance with the Court's order, if the Court were to rule in favor of the defendants, the Government would be required to file a new Bill of Particulars and to re-open any Rule 15 depositions that have been completed.

We, therefore, ask that no individual material witness be permitted to leave the jurisdiction until all Rule 15 depositions are complete, which will not happen until after the Court rules on defendants' motion. To the extent defendants' motion forces the depositions to go beyond the April 15, 2009, deadline set forth in Judge Linares's order, we request that the Court modify the deadline in that order to allow completion of the depositions.

Respectfully submitted,

RALPH J. MARRA, JR.
Acting United States Attorney

/s/

By: Kathleen P. O'Leary
Assistant United States Attorney

cc: Michael G. Chalos, Esq. (via email)
Carl Woodward. Esq. (via email)
James A. Plaisted, Esq. (via email)
Michael A. Baldassare (via email)
Michael Pedicini (via e-mail)
John Azzarello (via e-mail)
Maria Noto (via e-mail)
Gary Mizzzone (via e-mail)
James Patton (via e-mail)
David Holman (via e-mail)

SO ORDERED: *John Holman*
DATED: 4/3/09